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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PA

UNITED STATES COLD STORAGE LLC,	:	
	:	
Plaintiff	:	CIVIL ACTION - LAW
vs.	:	JURY TRIAL DEMANDED
HARBOR FREIGHT TOOLS USA, INC.	:	
and A.E.D.S. LLC.,	:	
Defendants	:	3:21-cv-01161-KM

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**PLAINTIFF, UNITED STATES COLD STORAGE, LLC'S  
MOTION TO CONSOLIDATE**

**CASE WITH CASE CAPTIONED: AIG EUROPE S.A., a/s/o UNILEVER UNITED STATES INC., and Conopco, Inc. d/b/a Unilever, UNILEVER UNITED STATES, INC., and CONOPCO, INC. vs. C&S WHOLESALE GROCERS, INC., and A.E.D.S, LLC.  
DOCKETED IN THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA TO No. 3:21-cv-01212-JFS**

AND NOW, comes the Plaintiff, United States Cold Storage, LLC., and hereby requests that this Honorable Court consolidate this matter for purposes of discovery and trial with the matter docketed to 3:21-cv-01212-JFS and in support thereof avers as follows:

1. On June 30, 2021, Plaintiff, United States Cold Storage, LLC, filed its Complaint in the United States District Court for the Middle District of Pennsylvania at Docket No. 3:21-cv-01161-KM naming as Defendants, Harbor Freight Tools USA, Inc. and A.E.D.S. LLC.

2. The Complaint as filed by U.S. Cold Storage alleges that as a result of a fire which occurred on July 9, 2019 at the premises of U.S. Cold Storage located in Hazleton,

Pennsylvania, Plaintiff suffered damages in excess of the jurisdictional limits of the Federal Court.

3. It is alleged in U.S. Cold Storage's Complaint that the fire originated at a freightliner diesel truck which had installed on it a gasoline powdered portable 3KW Inverter Generator and it is alleged that on the date of the fire, a plastic tote containing hoses, belts and other miscellaneous items was mounted on top of the generator, that security video footage shows the fire starting at the site of the generator at about 3:18 p.m. and that the fire was caused when the excess heat created by the generator ignited nearby combustible materials.

4. On July 9, 2021, AIG EUROPE S.A., a/s/o UNILEVER UNITED STATES INC., and Conopco, Inc. d/b/a Unilever, UNILEVER UNITED STATES, INC., and CONOPCO, INC., filed its Complaint in the U.S. District Court for the Middle District of Pennsylvania to Docket No. 3:21-cv-01212-JFS.

5. In their Complaint, the AIG EUROPE S.A. Plaintiffs allege that as a result of the fire which occurred on July 9, 2021 at the premises of U.S. Cold Storage they too suffered damages in excess of the Court's jurisdictional limits.

6. The two cases as cited above emanate from the same occurrence and/or transaction, i.e., the fire which occurred at the U.S. Cold Storage facility on July 9, 2019. In addition, the parties to the two captioned lawsuits are essentially the same with A.E.D.S., LLC being a common defendant in both cases but the Plaintiffs being different due to suffering different types of damages.

7. The Plaintiff, U.S. Cold Storage, LLC., would respectfully request that these matters be consolidated to Case No. 3:21-cv-01212-JFS and assigned to Magistrate Judge Joseph Saporito due to the fact that:

1. The matters emanate from the same incident, i.e the fire which occurred at U.S. Cold Storage on July 9, 2019 and therefore the evidence and proof as to the origin and cause of the

fire will be exactly the same in both cases.

2. That the witnesses to the fire will be exactly the same in both cases.

3. That expert witnesses who have been retained by the parties to determine the origin and cause of the fire will be similar if not the same in both cases.

4. That it will serve the interests of judicial economy for the cases to be consolidated given the fact that they emanate from the exact same occurrence and it is anticipated that evidence and witnesses will be similar if not identical in both cases.

WHEREFORE, Plaintiff, U.S. Cold Storage, LLC, would respectfully request that this Motion be granted and that this Honorable Court issue an Order consolidating this case with the case filed to 3:21-cv-01212-JFS as filed by AIG EUROPE S.A., et al and that the cases proceed as consolidated for purposes of discovery and trial under that docket number under the jurisdiction of the Honorable Magistrate Joseph Saporito.

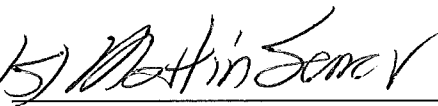
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